

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE COMMISSIONER OF HUMAN SERVICES

In the Matter of the SIRS Appeal  
by Marina Krasichkova of the  
Suspension of NPI-A405182300

**FINDINGS OF FACT,  
CONCLUSIONS, AND  
RECOMMENDATION**

The above-entitled matter came on for Prehearing Conference before Administrative Law Judge (ALJ) Richard C. Luis on April 23, 2010, at 1:30 p.m. at the Office of Administrative Hearings in St. Paul. Steven H. Alpert, Assistant Attorney General, appeared by telephone on behalf of the Department of Human Services (Department). There was no appearance by or on behalf of Ms. Krasichkova (Respondent). The OAH record closed on May 12, 2010, ten working days after receipt of a proposed default order from counsel for the Department.<sup>1</sup>

**STATEMENT OF ISSUES**

1. Whether Krasichkova submitted claims for Medicaid reimbursement for false service dates and/or times in violation of Minnesota Statutes and Rules;
2. Whether Krasichkova, as a vendor of medical care, demonstrated a pattern of presentment of false or duplicate claims or claims for services;
3. Whether Krasichkova, as a vendor of medical care, demonstrated a pattern of making false statements of material facts for the purpose of obtaining greater compensation than that to which she was legally entitled; and
4. Whether the Commissioner properly suspended Krasichkova from participation in the Minnesota Health Care Program (MHCP) for a period of two years.

Based on all the proceedings herein, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. The Notice and Order for Prehearing Conference was served upon Respondent at her last known address on file with the Department by first class postage

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<sup>1</sup> Minn. R. 1400.6600.

prepaid mail on February 16, 2010.<sup>2</sup> The Notice and Order scheduled the Prehearing Conference for April 8, 2010 at 1:30 p.m. by telephone.

2. In the Notice and Order for Prehearing Conference, the Department alleged that Krasichkova submitted claims for Medicaid reimbursement for false service dates and/or times in violation of Minnesota Statutes and Rules, or otherwise demonstrated a pattern of presentment of false or duplicate claims or claims for services. As such, the Department suspended Krasichkova from participation in MHCP for a period of two years. The suspension has been stayed pending these proceedings.

3. The Order also required each party to submit a Notice of Appearance, which Respondent did not file. Further, the Notice and Order for Prehearing Conference contained the following language:

The Respondent's failure to appear at the hearing may result in a finding that the Respondent is in default, that the Department's allegations contained in this Notice and Order may be accepted as true, and its proposed action may be upheld.<sup>3</sup>

4. On or about April 7, 2010, the ALJ and Counsel for the Department received a letter from Respondent requesting a continuance of the Prehearing Conference due to a conflict in Respondent's employment schedule. The letter further requested that the Prehearing Conference be rescheduled for a Friday. Counsel for the Department had no objection to the continuance.

5. The ALJ made numerous attempts to contact Respondent by phone at her last known telephone number to reschedule the matter to Friday, April 9, 2010. The Court was unable to reach Respondent or otherwise leave a message as the voice mail box was always full. The ALJ was informed by Counsel for the Department that his attempts to reach Respondent were similarly unsuccessful.

6. Thereafter, the ALJ issued correspondence to Respondent dated April 12, 2010, rescheduling the Prehearing Conference for Friday, April 23, 2010, at 1:30 p.m. The letter provided for Respondent to appear by telephone. There was also a reminder to Respondent to provide the ALJ with current contact information. This correspondence was mailed to Respondent at the same address as the Notice and Order for Hearing.

7. The Respondent did not file a Notice of Appearance with the Office of Administrative Hearings, did not appear on the rescheduled hearing date, did not make another prehearing request for a continuance, request any other relief, or make any other contact with the ALJ or Department counsel. The Respondent is, therefore, in default.

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<sup>2</sup> Jennifer S. Pruden's Affidavit of Service by U. S. Mail to Respondent's Last Known Address, attached to Notice and Order Prehearing Conference.

<sup>3</sup> Notice and Order for Prehearing Conference.

8. The allegations and issues set forth in the Notice and Order for Prehearing Conference are incorporated herein by reference in their entirety.

Based on the Findings of Fact, the Administrative Law Judge makes the following:

### CONCLUSIONS

1. The Commissioner of Human Services and the Administrative Law Judge have authority to consider the issues set out in the Notice and Order for Prehearing Conference to take the action proposed under Minn. Stat. §§ 14.50, 256B.04, subd. 10; and 256B.064 (2008), as well as Minnesota Rules 9505.0180; 9505.0295; 9505.0335; 9505.0465; and 9505.2160-.2245 (2007).

2. The Department and the Office of Administrative Hearings gave proper notice of the Prehearing Conference in this matter to the Respondent and have complied with all procedural requirements.

3. The Respondent is in default under Minn. R. 1400.6000 as a result of her failure to appear at the Prehearing Conference.

4. Under Minn. R. 1400.6000, the allegations and the issues set out in the Notice and Order for Prehearing Conference may be taken as true or deemed proved without further evidence when a party defaults.

5. The allegations in the Notice are sufficient to establish a factual predicate for the Department to conclude that Krasichkova submitted claims for Medicaid reimbursement for false service dates and/or times in violation of Minnesota Statutes and Rules, or otherwise demonstrated a pattern of presentment of false or duplicate claims or claims for services. As such, the Department properly suspended Krasichkova from participation in MHCP for a period of two years.

Based on the Conclusions, the Administrative Law Judge makes the following:

### RECOMMENDATION

**IT IS RECOMMENDED** that the Commissioner of Human Services **AFFIRM** the **SUSPENSION** of the Respondent from participation in MHCP for a period of two (2) years, and that the appeal of that suspension be **DISMISSED, WITH PREJUDICE**.

Dated: June 11th, 2010

/s/ Richard C. Luis  
RICHARD C. LUIS  
Administrative Law Judge

Reported: Default

## **NOTICE**

This report is a recommendation, not a final decision. The Commissioner of Human Services will make the final decision after a review of the record. The Commissioner may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendations. The parties have 10 calendar days after receiving this report to file Exceptions to the report. At the end of the exceptions period, the record will close. The Commissioner then has 90 days to issue his final decision. If no decision is made by the Commissioner by the end of those 90 days, this Report will become the final order of the Department. Parties should contact Cal Ludeman, Commissioner of the Minnesota Department of Human Services, P. O. Box 64998, St. Paul, MN 55155, (651) 431-2907 to learn the procedure for filing exceptions or presenting argument.

Under Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.